

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 1, 2008

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators
Cameron and McKenzie, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Jason Andersen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the
Senate Journal of the proceedings of January 31, 2008, was read
and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered
filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent,
the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator McKenzie was recorded present at this order of
business.

February 1, 2008

The JUDICIARY AND RULES Committee reports that
S 1362 has been correctly printed.

DARRINGTON, Chairman

S 1362 was referred to the Judiciary and Rules Committee.

February 1, 2008

The AGRICULTURAL AFFAIRS Committee reports it has
had under consideration the Gubernatorial appointment listed
below and the Committee recommends that said appointment be
confirmed by the Senate:

Joe Davidson to the State Soil Conservation Commission,
term to expire July 1, 2012.

GANNON, Chairman

The Gubernatorial appointment was referred to the Tenth
Order of Business, Motions and Resolutions, and ordered held at
the Secretary's desk for one legislative day.

January 31, 2008

The TRANSPORTATION Committee reports out **S 1306**,
S 1307, **S 1361**, and **H 355** with the recommendation that they do
pass.

MCGEE, Chairman

S 1306, **S 1307**, **S 1361**, and **H 355** were filed for second
reading.

January 31, 2008

The HEALTH AND WELFARE Committee reports out
S 1340, **S 1341**, **S 1342**, and **S 1343** with the recommendation that
they do pass.

LODGE, Chairman

S 1340, **S 1341**, **S 1342**, and **S 1343** were filed for second
reading.

On request by Senator Davis, granted by unanimous consent,
the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 31, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dave Tuthill of Boise,
Idaho, was appointed as Director of the Department of Water
Resources to serve a term commencing April 17, 2007, and serving
at the pleasure of the Governor.

This appointment was made subject to confirmation by the
Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the
Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources
and Environment Committee.

January 30, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kim Wherry Toryanski of Boise, Idaho, was appointed as Administrator of the Idaho Commission on Aging to serve a term commencing July 13, 2007, and serving at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 30, 2008

Mr. President:

I transmit herewith **H 361**, **H 362**, **H 424**, and **H 359** which have passed the House.

ALEXANDER, Chief Clerk

H 361, **H 362**, **H 424**, and **H 359** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Local Government and Taxation Committee report relative to the Gubernatorial appointments of Linda Pike and David Kinghorn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Langhorst, the Gubernatorial appointment of Linda Pike as a member of the Board of Tax Appeals was confirmed by voice vote.

On motion by Senator Siddoway, seconded by Senator Bilyeu, the Gubernatorial appointment of David Kinghorn as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1363

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO INDIGENT MEDICAL SERVICES; AMENDING SECTION 31-3506, IDAHO CODE, TO REVISE THE EVENT USED TO DETERMINE COUNTY RESIDENCY; AND AMENDING SECTION 31-3510A, IDAHO CODE, TO REMOVE A PROVISION PROVIDING THAT REIMBURSEMENT MONEYS RECEIVED BY A COUNTY NEED NOT BE BUDGETED OR APPROPRIATED PURSUANT TO STATUTE AND TO PROVIDE THAT THE PORTION OF MONEYS RECEIVED BY THE COUNTY AS REIMBURSEMENT NOT ASSIGNED TO THE STATE CATASTROPHIC HEALTH CARE FUND SHALL BE CREDITED TO THE COUNTY INDIGENT FUND.

S 1364

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO NATUROPATHIC PHYSICIANS; REPEALING CHAPTER 51, TITLE 54, IDAHO CODE, RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING SECTION 67-2601, IDAHO CODE, TO DELETE REFERENCE TO THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-2602, IDAHO CODE, TO DELETE REFERENCE TO THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS.

S 1365

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO EMERGENCY RESPONDER DEATH BENEFITS; AMENDING CHAPTER 2, TITLE 41, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 41-270, 41-271, 41-272, 41-273 AND 41-274, IDAHO CODE, TO STATE LEGISLATIVE INTENT, TO DEFINE TERMS, TO ESTABLISH AN EMERGENCY SERVICE PROVIDER DEATH BENEFIT, TO PROVIDE QUALIFICATION CRITERIA FOR THE DEATH BENEFIT, TO PROVIDE PAYMENT CRITERIA FOR THE DEATH BENEFIT, TO PROVIDE EXCEPTIONS TO PAYMENT, TO PROVIDE FOR RULEMAKING AUTHORITY, TO PROVIDE FOR REGISTRATION FOR THE DEATH BENEFIT AND TO CREATE AND PROVIDE FOR THE EMERGENCY RESPONDER FUND; AMENDING SECTION 41-406, IDAHO CODE, TO PROVIDE FOR PAYMENT INTO THE FUND; AND DECLARING AN EMERGENCY.

S 1366

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO VOLUNTEER EMERGENCY RESPONDER DISABILITY BENEFITS; AMENDING SECTION 72-102, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 72-205, IDAHO CODE, TO REVISE THE DESIGNATION OF

EMPLOYEES IN PUBLIC EMPLOYMENT AND THEIR EMPLOYERS SUBJECT TO THE WORKER'S COMPENSATION ACT; AMENDING SECTION 72-419, IDAHO CODE, TO REMOVE THE DETERMINATION OF AVERAGE WEEKLY WAGE FOR VOLUNTEER FIREMEN, POLICE AND CIVIL DEFENSE MEMBERS OR TRAINEES AND TO PROVIDE FOR THE DETERMINATION OF AVERAGE WEEKLY WAGE FOR VOLUNTEER EMERGENCY RESPONDERS BASED ON IDAHO CODE; AND AMENDING CHAPTER 4, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-408A, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF TOTAL AND PERMANENT DISABILITY BENEFITS TO VOLUNTEER EMERGENCY RESPONDERS.

S 1367
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 59-1312A, 59-1312B, 59-1312C, 59-1312D, 59-1312E, 59-1312F AND 59-1312G, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE IDENTIFICATION OF CERTAIN SCRUTINIZED COMPANIES, TO PROVIDE A REQUIRED PROCEDURE FOR THE BOARD, TO PROVIDE FOR REPORTING, TO SPECIFY AN EXEMPTION FROM OTHER LEGAL OBLIGATIONS, TO PROVIDE FOR REINVESTMENT IN CERTAIN COMPANIES, TO PROVIDE FOR REPORTS IF VIOLATIONS OCCUR; PROVIDING SEVERABILITY; AND PROVIDING A SUNSET CLAUSE IF CERTAIN EVENTS OCCUR.

S 1368
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM; AMENDING SECTION 33-2109A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-5333, IDAHO CODE, TO REMOVE THE LIMIT ON UNUSED SICK LEAVE THAT IS TRANSFERRED TO AN EMPLOYEE'S RETIREMENT ACCOUNT UPON SEPARATION FROM STATE EMPLOYMENT BY RETIREMENT; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICABILITY.

S 1363, S 1364, S 1365, S 1366, S 1367, and S 1368 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 361 and H 362, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 424, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 359, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Cameron was recorded present at this order of business.

S 1287, S 1317, S 1319, and S 1320, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 340, H 341, H 343, H 344, H 345, and H 346, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1358, by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1269 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 35.

Whereupon the President declared **S 1269** passed, title was approved, and the bill ordered transmitted to the House.

S 1260 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Richardson, Sagness (Malepeai), Schroeder, Stegner, Thorson (Stennett), Werk. Total - 31.

NAYS--Bair, Geddes, Pearce, Siddoway. Total - 4.

Total - 35.

Whereupon the President declared **S 1260** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11 a.m., Monday, February 4, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary